

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI**

JAMES SULLIVAN,	:	Case No. 1:22-cv-763
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	Magistrate Judge Karen L. Litkovitz
v.	:	
	:	
HAMILTON COUNTY COURT OF	:	
COMMON PLEAS, et al.,	:	
	:	
Defendants.	:	

**ORDER GRANTING REPORTS AND RECOMMENDATIONS (Doc. 34, 41, 43),
OVERRULING OBJECTIONS, DENYING MOTIONS FOR INJUNCTIVE RELIEF
(Docs. 5, 23, 25), and DENYING RULE 59(e) MOTIONS (Docs. 46, 47)**

James Sullivan, a pro se plaintiff, filed a 16-count complaint against the Hamilton County Court of Common Pleas, the Hamilton County Sheriff's Office, and several judges and law enforcement officers who work for Hamilton County. (Doc. 3.) He has also lodged multiple motions for preliminary injunctions. (Docs. 3, 23, 25.) Now before the Court are three Reports and Recommendations submitted by Magistrate Judge Karen L. Litkovitz, to whom this case is referred pursuant to 28 U.S.C. § 636(b). (Docs. 34, 41, 43.)

The Reports recommend several actions:

- (1) *May 2 Report* (Doc. 34). Magistrate Judge Litkovitz analyzes Sullivan's request for preliminary injunctions (Doc. 5) and concludes that his argument fails to satisfy the applicable legal standard. She recommends denying his motion. (May 2 Report, Doc. 34, Pg. ID 1497.)

(2) *May 16 Report* (Doc. 41). Defendants Honorable Robert Ruehlman, Honorable Terry Nestor, Honorable Jody Luebbers, and Honorable Thomas Heekin (“Judicial Defendants”)—and putative Defendant Hamilton County Court of Common Pleas—moved to dismiss Sullivan’s claims against them. (Doc. 16.) The magistrate judge recommends dismissing the Hamilton County Court of Common Pleas as not *sui juris* and dismissing all of the claims against the Judicial Defendants on numerous grounds. (*May 16 Report*, Doc. 41, Pg. ID 1919-20.) She also recommends denying another of Sullivan’s motions for injunctive relief (Doc. 23). (*May 16 Report*, Doc. 41, Pg. ID 1917-18.)

(3) *May 17 Report* (Doc. 43). Lastly, the magistrate judge recommends denying another of Sullivan’s motion for injunctive relief (Doc. 25). (*May 17 Report*, Doc. 43, Pg. ID 2243.)

Adoption of these Reports and Recommendations would deny all three motions for injunctive relief, dismiss all counts against the Judicial Defendants, and terminate them and the courthouse from this litigation. Remaining as defendants in this matter would be the Hamilton County Sheriff’s Office, Sheriff Charmaine McGuffey, Lt. Dennis Brogan, Sgt. Michael Dreyer, Deputy Madison Speer, Deputy Nick Hnryak, Deputy Frederick Ober, and Laura Hayslip (“County Defendants”). (The County Defendants filed their motion for summary judgment on August 4, 2023. Doc. 49.)

Sullivan has filed several objections:

(1) *Doc. 37*. Sullivan objects to the May 2 Report and Recommendation (Doc. 34), which recommends denying his requests for preliminary injunctions (Doc. 5).

(2) *Docs. 44 and 45.* He also objects, in two parts,¹ to the May 16 Report and Recommendation (Doc. 41), which recommends dismissing the complaint as to the Hamilton County Court of Common Pleas and dismissing the claims against the Judicial Defendants.

(3) *Docs. 46 and 47.* He also files a “motion under [Fed. R. Civ. P. 59(e)] for reconsideration to alter or amend order or report of magistrates [sic] recommendations.” (Doc. 46, Pg. ID 2513.)² The Court will construe this combined document as an objection to the May 16 Report, because it addresses the reasoning and conclusions from that Report.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. After such review, the Court finds the Reports and Recommendations well-reasoned and **ORDERS** as follows:

- (1) The Court **OVERRULES** Plaintiff’s objections to the May 2 Report and **ADOPTS** that Report and Recommendation in its entirety (Doc. 34). Accordingly, the Court **DENIES** Plaintiff’s request for preliminary injunctions (Doc. 5).
- (2) The Court **OVERRULES** Plaintiff’s objections to the May 16 Report and **ADOPTS** that Report and Recommendations in its entirety (Doc. 41).

¹ To the extent these two filings constitute a single memorandum, it far exceeds what the undersigned district judge permits in his standing order regarding civil cases. (Standing Order Regarding Procedures in Civil Cases, § III.A.4.)

² This motion also comes in two documents: Volume I, which contains Parts I, II, and III, and Volume II, which contains Parts III (apparently continued), IV, and V. This omnibus objection too exceeds the page limit allowed without seeking leave.

Accordingly, the Court:

- (a) **DISMISSES** the complaint as to the Hamilton County Court of Common Pleas, because it is not *sui juris*;
 - (b) **DISMISSES** all counts brought against the Judicial Defendants for the reasons stated in the Report. The Judicial Defendants are hereby **TERMINATED** from this litigation;
 - (c) **DENIES** Plaintiff injunctive relief, declaratory relief, punitive damages, and prevailing party attorney fees under 42 U.S.C. § 1988, for the reasons stated in the Report;
 - (d) **DENIES** Plaintiff's motion for injunctive relief (Doc. 23); and
 - (e) **DENIES** Plaintiff's Rule 59 motions (Docs. 46, 47).
- (3) The Court **ADOPTS** the May 17 Report and Recommendation in its entirety (Doc. 43). Accordingly, the Court **DENIES** Plaintiff's motion for injunctive relief (Doc. 25).

This matter will proceed against the County Defendants.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND